FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

RULE 63 (37 C.F.F. 33) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OF THE



As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED NOVEL HETEROCYCLIC ANALOGS OF DIPHENYLETHYLENE COMPOUNDS

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the	specification of wh	ich (CHECK applicab	le BOX(ES))			
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	B. 🛛 was filed or			S U.S. Application No.	09/843,167	
→ →	C. was filed as	s PCT Internation:	al Application N	No. PCT//	on	
		plication) was amend				
above. I acknowle foreign priority ben Application which certificate, or PCT	dge the duty to disclor efits under 35 U.S.C. designated at least on International Applicati	se all information known 119(a)-(d) or 365(b) of a e other country than the on, filed by me or my as	to me to be material to ny foreign application United States, listed to signee disclosing the	to patentability as defined i (s) for patent or inventor's below and have also identi	n 37 C.F.R. 1.56. Except a certificate, or 365(a) of any fied below any foreign app	any amendment referred to as noted below, I hereby claim y PCT International lication for patent or inventor's a filing date (1) before that of
DDIOD EODEIG	N APPLICATION(21		Date first Laid-	Date Patented	
Number	Country		H/Year Filed	open or Publishe		Priority NOT Claimed
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application is in ad	dition to that disclosed	in such prior application	ns, I acknowledge the	duty to disclose all information and the i	ation known to me to be m	aterial to patentability as
PRIOR U.S. PR	OVISIONAL. NONI	PROVISIONAL AND/	OR PCT APPLICA	TION(S)	Status	Priority NOT Claimed
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Section 1001 of Tit And I hereby apported the number elephone number authorize them to doerson/assignee/a o be represented the number of the number of the number of the Paul N. Kokulis G. Lloyd Knight Kevin E. Joyce George M. Sirilla Donald J. Bird Dale S. Lazar Glenn J. Perry	tle 18 of the United Statistic Pillsbury Winthrop (202) 861-3000 (to whom the substantial Pillsbury Winthrop (202) 861-3000 (to whom the substantial Pillsbury Winter Pillsbury	ates Code and that such LLP, Intellectual Propert from all communications nd to transact all busines is below of persons no loi on who/which first send; he above Firm and/or a t Kendrew H. Colton G. Paul Edgell Lynn E. Eccleston David A. Jakopin Mark G. Paulson Stephen C. Glazier Richard H. Zaitlen	willful false statemen y Group, 1100 New Y are to be directed), ar is in the Patent and T nger with their firm an s/sent this case to the below attorney in writi 30368 24238 35861 32995 30793 31361 27248	ts may jeopardize the valid fork Avenue, N.W., Ninth F nd the below-named perso rademark Office connected d to act and rely on instruc- em and by whom/which I he	lity of the application or an loor, East Tower, Washing ns (of the same address) is therewith and with the restions from and communicate the communicate that I have communicated as the communica	pton, D.C. 20005-3918, individually and collectively my sulting patent, and I hereby ate directly with the consented after full disclosure. L. Miele 34393 J. Walters 40862 Beatus 38825 be 28429 Pickering 36239 L. Jaffer 32243
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X" box 🛛 Fo	OR ADDITIONA	AL INVENTORS,		n the attached pag orated herein by re Atty.		
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FOR UTILITY/DÉSIGN CIP/PCT NATIONAL/PLAN ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

RULE 63 (37 C.F.R. 33) DECLARATION AND POWER ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

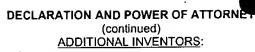
PW FORM M

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural name) below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED NOVEL HETEROSIG I OF DIPHENYLETHYLENE COMPOUNDS AUG 2 7 2001 the specification of which (CHECK applicable BOX(ES)) A.
 is attached hereto. as U.S. Application No. 09/843,167 April 27, 2001 B. Was filed on BOX(ES) C. was filed as PCT International Application No. PCT/ and (if applicable to U.S. or PCT application) was amended on I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amenda above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application: PRIOR FOREIGN APPLICATION(S) Date first Laid-**Date Patented** Priority NOT Claimed open or Published or Granted Day/MONTH/Year Filed Country <u>Number</u> If more prior foreign applications, X box at bottom and continue on attached page. Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application: **Priority NOT Claimed** PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S) <u>Status</u> pending, abandoned, patented Day/MONTH/Year Filed Application No. (series code/serial no.) 09/06/2000 09/591.105 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary. Anthony L. Miele 34393 31204 30368 Roger R. Wise Kendrew H. Colton 16773 Paul N. Kokulis 40862 36787 Robert J. Walters Michael R. Dzwonczyk G. Paul Edgell 24238 17698 G. Lloyd Knight 38825 Jack S. Barufka 37087 Brian J. Beatus 35861 Kevin E. Joyce 20508 Lynn E. Eccleston 28429 41835 John Jobe Adam R. Hess George M. Sirilla 18221 David A. Jakopin 32995 36239 Mark C. Pickering Mark G. Paulson 30793 William P. Atkins 38821 25323 Donald J. Bird David H. Jaffer 32243 36004 31361 Paul L. Sharer Dale S. Lazar 28872 Stephen C. Glazier 35030 Richard H. Zaitlen 27248 Robin L. Teskin 28458 Glenn J. Perry Date: (1) INVENTOR'S SIGNATURE: NAG Bishwajit Family Name Middle Initial First USA California Residence Fremont Country of Citizenship State/Foreign Country 34353 Eucalyptus Terrace, Fremont, California Mailing Address 94555 (include Zip Code) 8 (2) INVENTOR'S SIGNATURE: DEY Debendranath Family Name Middle Initial First India California Fremont Residence Country of Citizenship State/Foreign Country City 34535 Felix Terrace, Fremont, California Mailing Address 94555 (include Zip Code) "X" box X FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor. ☐ See additional foreign priorities on attached page (incorporated herein by reference).

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(3) INVENTOR'	e cichatude.	Medreto	man 2	Date:	7240/		
(3) INVENTOR	Satyanarayana	1 / CO / C / C / C	73	MEDICHERLA	7.57		
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(4) INVENTOR	S SIGNATURE:	Breo gi			7-30-01		
	Partha			NEOGI			
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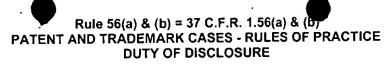
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(continued) ADDITIONAL INVENTORS:

(3) INVENTOR	R'S SIGNATURE:		Date:				
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... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima acie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) ppposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- he has abandoned the invention, or
- the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- he did not himself invent the subject matter sought to be patented, or
- before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Six months for Design Applications (35 U.S.C. 172).

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candidated good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

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